

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

215

**CRM-30054-2017 in/and
CRM-A-2095-MA-2017 (O&M)
Decided on : 02.03.2022**

State of Haryana

....Applicant

Vs

Vikas

....Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Ms. Shubhra Singh, Addl. A.G., Haryana
for the applicant.

Mr. J.S.Thind, Advocate
for the respondent.

AJAY TEWARI, J.(Oral)

CRM-30054-2017

1. This is an application for condonation of 215 days delay in filing the present application.

2. No reply has been filed. In the circumstances, the application is allowed and the delay of 215 days is condoned.

CRM-A-2095-MA-2017

3. This is an application under Section 378 (3) Cr.P.C. for grant of leave against the judgment of acquittal dated 7.11.2016 passed by Additional Sessions Judge, Hisar whereby respondent was acquitted in FIR No. 651 dated 20.08.2012 under Section 302, 309 IPC registered at Police Station Sadar Hisar.

4. The allegations against the respondent was that he had drowned the deceased in the canal. The main thing which influenced the learned Judge was the fact that PW-2 Anoop had stated that he had seen

both the respondent and the deceased jumped into the canal and he along with two other persons were able to save the respondent, but could not save the girl. The other thing which the learned Judge noticed was that as per the testimony, the respondent was arrested from the spot, but the police stated that he fled away at that time and was arrested subsequently. It was in these circumstances that the Court held that the case against the respondent was not proved beyond reasonable doubt. We see no reason to take a different view.

5. Learned State Counsel has argued that in any case, the offence under Section 309 IPC was made out.

6. In our considered opinion, in the first place, no charge was framed under Section 309 IPC by the Trial Court. Secondly, no evidence was led that the respondent jumped into the water to commit suicide.

7. In the circumstances, we do not find any ground to grant leave to file appeal. Therefore, finding no merit, the same is dismissed.

8. Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(PANKAJ JAIN)
JUDGE

02.03.2022
anuradha

Whether speaking/reasoned	-	Yes
Whether reportable	-	No